

**Conservation Commission
Minutes of August 25, 2016
Public Hearings
Mashpee Town Hall
Waqoit Meeting Room**

Commissioners: Dale R. McKay, John R. Rogers, Ralph B. Shaw, Jr. and Chad Smith

Also Present: Andrew McManus, Conservation Agent and Judy Daigneault, Recording Secretary.

Call Meeting to Order: 5:55 p.m.

The meeting was called to order with a quorum by Acting Chairman Dale McKay at 5:55 p.m.

There was no public comment

PRE/POST-HEARING AGENDA:

Minutes: Approve August 11, 2016 Minutes

Table until September 22 meeting

Thomas J. O'Neill: Introduction - interested in joining Commission

The Agent introduced Thomas O'Neill to the Commissioners and reviewed his letter of interest to fill the vacancy on the Conservation Commission. Mr. O'Neill reviewed his background and his interests in becoming a Commissioner.

Motion: Mr. Rogers moved to endorse Mr. Thomas O'Neill to become a full time member of the Conservation Commission and to forward this recommendation to the Board of Selectmen. Seconded by Mr. Shaw. Vote 4-0

Bickerstaffe Conservation Area (Santuit Pond). Candidate for gating due to issues with vandalism, vehicle access.

The Agent stated he did some research in the cost of installing a gate at the Bickerstaffe Conservation Area. It is becoming a site for parties and the neighbors are starting to complain. We need to restrict vehicle access to the area. The gate cost is around \$4,000 and there are funds available in the Lands and Maintenance account. The Agent stated he will be setting up a site visit if any of the Commissioners are interested in taking a look at where the gate should be installed.

HEARINGS:

6:00 Jack G. Carter, Jr., 17 Monomoscoy Road West. Proposed demolition and reconstruction of dwelling. At request of Commission, continued from 7/28 to allow time for applicant to resolve right of way issues and submit professional land surveyor's plan. NOI

Resource Area: LSCSF, Buffer Zone to BVW, Salt Marsh

Michael Borselli, Falmouth Engineering, was representing the applicant. He noted the owner, Mr. Carter was present as well as Attorney Bryan Wall. Mr. Borselli reviewed the original plan which proposed a raze and replace of the existing house which included a two car garage. The proposed footprint of the house was larger than the original house. Mitigation and a limit of work was shown on the original plan which was of concern to the Agent as far as the trees to be cut. There were also concerns about the size of the structure and the close proximity to the wetlands and land subject to costal storm flowage.

Mr. Borselli reviewed the revised plan. The limit of work was adjusted and they made it clear what trees are to be cut and which trees are to remain. They decided not to attach the garage which will be further away from the wetlands. They adjusted the driveway configuration and adjusted the limit of work. There are 17 trees in the work area and only 2 are to be removed. The required mitigation was recalculated to 644 square feet.

There were comments raised by Glenn Harrington, Board of Health, and those concerns were addressed on the plan.

There were concerns by an abutter to the location of the proposed leaching field. They surveyed all the trees on the parcel and will retain the trees on the corner boundaries so there will be a buffer. Mr. Borselli said he believes we addressed the concerns of the Agent and the abutter. Atty. Wall, representing Mr. Carter, addressed the issue of Mr. Carter's rights to the road and his right to put the pipe under the road.

The Agent said he met on site identifying the trees to remain. The project meets the performance standards. The revised plan shows a different footprint that would move the structure from the 50 foot setback. There is now a clearer idea of what trees are to be saved. He asked the Commissioners to condition the permit that the work limit needs to be adhered to and to provide wood planking at the base of the trees that are within the construction area. He noted the property rights issue is not under the Commissioners' purview. The Board of Health has noted the plan has been submitted to them and under review. The mitigation provided will leave this lot in a better condition and the Agent recommended a close and issue.

No comment from the public

Motion: Mr. Shaw moved to Close and Issue, seconded by Mr. Rogers. Vote unanimous 4-0

6:03 R. Michael and Donna A. Wresinski, 196 Wheeler Road. Proposed beach nourishment. NOI

Resource Areas: Buffer Zone to Inland Bank and Land Under Water Bodies and Waterways, Bordering Land Subject to Flooding, BVW associated with Ashumet Pond

Michael Wresinski, homeowner, explained the proposed project is to do some beach nourishment and put in a small patch of land in the seating area, 7 x 18 feet.

The Agent said he spoke with the applicant and explained there would be the following conditions: that the sand is coming from a clean and washed source; the cubic yards are made known; and communication to the Commission about yearly deposition of sand which comes with the perpetuity clause. A letter has been sent to the Natural Heritage and haven't heard back as of yet. He felt he doesn't anticipate that Natural Heritage will issue a letter of take for endangered species.

No comments from the public

Motion: Mr. Shaw moved to Close and Issue pending receipt of Natural Heritage letter, seconded by Mr. Rogers. Vote unanimous 4-0

6:06 Henry B. and Bernyce C. Hayes, 78 Waterline South Drive. Proposed septic system upgrade. RDA

Resource Area: LSCSF

Peter McEntee, Engineering Works, represented the homeowners. He stated the proposed project consists of utilizing the existing septic tank and abandoning the existing leaching system. A new pump chamber and soil absorption system are being proposed in the backyard. Limited tree removal will be required for this installation. The soil absorption system will be approximately 300 feet from the closest edge of Great River.

The Agent stated Board of Health has approved the application on the plan dated 2/28/16 by Engineering Works. He noted the lot is landlocked and is more than 100 feet from any resource area and recommended a negative determination.

No comments from the public

Motion: Mr. Shaw moved for a negative determination, seconded by Mr. Rogers. Vote unanimous 4-0

6:09 Philip A. Rollins, Jr. and Priscilla R. Davis 23 Sand Dollar Lane. Proposed septic system upgrade. RDA

Resource Areas: Buffer Zone to Coastal Bank, LSCSF

Jeffrey Johnson, Holmes and McGrath, represented the applicants. He stated the proposed project is to replace a failed septic system with a Title V system. The design and the plans have been approved by the Board of Health. The closest portion of the system is 61 feet to the top of the coastal bank. The placement of the system is in the area currently occupied by the driveway. Once the system is installed the driveway will be replaced in kind.

The Agent noted this is definitely an upgrade and recommended a negative determination

No comments from the public

Motion: Mr. Shaw moved a negative determination, seconded by Mr. Rogers. Vote unanimous 4-0

6:12 Timothy J. and Deborah S. Martin, 7 Russell Road. Proposed removal of trees to allow for solar panel installation onto garage. RDA

Resource Areas: LSCSF, Monomoscoy Island

Mr. Tim Martin, homeowner, explained the proposed project is to install solar panels on the garage. Seven trees will need to be taken down on the property.

The Agent noted on photos the trees proposed to be taken down to allow for sunlight exposure. The removal of the trees will still comply with the retention requirements of natural vegetated areas on lots within the flood zone. The removal of the trees is to increase sunlight exposure for the installation of solar panels. No trees are to be taken out within 100 feet of the coastal bank and bordering vegetated wetland. He recommended a negative determination.

No comments from the public

Motion: Mr. Shaw moved a negative determination, seconded by Mr. Rogers. Vote unanimous. 5-0

Pre-Post Hearing Agenda (continued)

Conservation Agent Vacation

The Agent stated there will be no meeting on September 9 because he will be on vacation for the first two weeks in September. Next meeting September 22.

Motion: Mr. Shaw moved to adjourn, seconded by Mr. Rogers. Vote unanimous 4-0.

Respectfully submitted,

Judith Daigneault, Recording Secretary